

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AMERICAN FREEDOM DEFENSE
INITIATIVE; *et al.*,

Plaintiffs,

v.

SUBURBAN MOBILITY AUTHORITY
for REGIONAL TRANSPORTATION
("SMART"), *et al.*,

Defendants.

No. 2:10-cv-12134-DPH-EAS

Hon. Denise Page Hood

STIPULATED ORDER OF JUDGMENT

AMERICAN FREEDOM LAW CENTER
Robert J. Muise, Esq. (P62849)
P.O. Box 131098
Ann Arbor, MI 48113
rmuise@americanfreedomlawcenter.org
(734) 635-3756

David Yerushalmi, Esq.
2020 Pennsylvania Avenue NW
Suite 189
Washington, D.C. 20006
dyerushalmi@americanfreedomlawcenter.org
(646) 262-0500

Counsel for Plaintiffs

SMART
Avery E. Gordon, Esq. (P41194)
535 Griswold Street, Suite 600
Detroit, MI 48226
agordon@smarbus.org
(313) 223-2100

VANDEVEER GARZIA, P.C.
Christian E. Hildebrandt (P46989)
1450 W. Long Lake Road,
Suite 100
Troy, MI 48098
childebrandt@vgpclaw.com
(248) 312-2800

Counsel for Defendants

Plaintiffs American Freedom Defense Initiative, Pamela Geller, and Robert Spencer (“Plaintiffs”), by and through undersigned counsel, and Suburban Mobility Authority for Regional Transportation (“SMART”), John Hertel, and Beth Gibbons (“Defendants”), by and through undersigned counsel, (collectively the “parties”), hereby approve the entry of the attached Judgment.

In support, Plaintiffs state as follows:

1. Pursuant to this Court’s Order of December 11, 2020 (Doc. No. 90), the Sixth Circuit’s unanimous decision in *American Freedom Defense Initiative v. Suburban Mobility Authority*, 978 F.3d 481 (6th Cir. 2020), Rule 58(d) of the Federal Rules of Civil Procedure, and E.D. Mich. LR 58.1, Plaintiffs are entitled to declaratory and injunctive relief, nominal damages, and their reasonable costs, including attorneys’ fees, as the prevailing plaintiff pursuant to 42 U.S.C. § 1988.

2. More specifically, Plaintiffs are entitled to the entry of a judgment in their favor as follows: (1) Declaratory Relief: a declaration that Defendants violated Plaintiffs’ right to freedom of speech protected by the First Amendment; a declaration that SMART’s restriction on “political” advertising as set forth in its Advertising Guidelines is unreasonable in violation of the First Amendment; and a declaration that SMART’s scorn-or-ridicule restriction as set forth in its Advertising Guidelines is viewpoint

based in violation of the First Amendment; (2) Injunctive Relief: an injunction enjoining the challenged restrictions and their enforcement against Plaintiffs’ “Leaving Islam” advertisement; (3) Nominal Damages: an award of nominal damages in the amount of \$3 (\$1 per Plaintiff) for the loss of Plaintiffs’ constitutional rights; and (4) Attorneys’ Fees and Costs: an award of attorneys’ fees and costs in the amount of \$207,500.

Defendants hereby approve the form and content of the Judgment.

Respectfully submitted this 8th Day of January 2021.

AMERICAN FREEDOM LAW CENTER

SMART

By: Robert J. Muise

Robert J. Muise, Esq. (P62849)

David Yerushalmi, Esq.

Counsel for Plaintiffs

By: Avery E. Gordon

Avery E. Gordon, Esq. (P41194)

VANDEVEER GARZIA, P.C.

By: Christian E. Hildebrandt

Christian E. Hildebrandt (P46989)

Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AMERICAN FREEDOM DEFENSE
INITIATIVE; *et al.*,

Plaintiffs,

v.

SUBURBAN MOBILITY
AUTHORITY for REGIONAL
TRANSPORTATION (“SMART”), *et*
al.,

Defendants.

No. 2:10-cv-12134-DPH-EAS

Hon. Denise Page Hood

JUDGMENT

This action comes before the Court on remand from the U.S. Court of Appeals for the Sixth Circuit, which rendered its opinion in *American Freedom Defense Initiative v. Suburban Mobility Authority*, 978 F.3d 481 (6th Cir. 2020).

Based on the opinion of the Sixth Circuit,

IT IS ORDERED AND ADJUDGED that this Court’s order granting summary judgment to Defendants and denying summary judgment to Plaintiffs (Doc No. 83) is REVERSED and judgment is hereby entered in Plaintiffs’ favor on their First Amendment claims.

Accordingly, the Court hereby declares that, pursuant to the opinion of the Sixth Circuit, Defendants violated Plaintiffs’ right to freedom of speech protected by the First Amendment. The Court further declares, consistent with the Sixth

Circuit opinion, that SMART's Advertising Guidelines restricting "political" advertisements and advertisements "likely to hold up to scorn or ridicule any person or group of persons" violate the Free Speech Clause of the First Amendment and are hereby enjoined.

IT IS FURTHER ORDERED AND ADJUDGED that in addition to declaratory and injunctive relief, Plaintiffs are entitled to nominal damages in the amount of \$3.00 and an award of reasonable attorneys' fees and costs in the amount of \$207,500.00.

So Ordered.

Dated: February 17, 2021

s/Denise Page Hood

United States District Judge